

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-643

September 5, 2000

S.D. WARREN COMPANY
Petition to Establish Power Purchase
Process Pursuant to Public Laws
1999, Chapter 730

ORDER APPROVING
BID PROCESS

I. SUMMARY

Through this Order, we approve S.D. Warren's proposed process to obtain power supply for its Somerset facility.

II. BACKGROUND

On July 28, 2000, S.D. Warren filed a petition for Commission approval of the process by which it will obtain power supply for its Somerset facility for a 1-year period beginning March 1, 2001. On August 15, 2000, S.D. Warren filed, under protective order, a draft Request for Proposals (RFP). The petition and draft RFP were submitted pursuant to a recent amendment to section 6 of the Restructuring Act, P.L. 1999, ch. 730. The amendment requires the Commission to establish the contract rate that Central Maine Power Company (CMP) will pay S.D. Warren for power (under a pre-existing qualifying facility contract) based on S.D. Warren's total cost of transmission and distribution service and generation supply. The amendment specifies that S.D. Warren must obtain its generation supply through a process that is approved by the Commission.¹

As a result of discussions with our Staff and interested persons, S.D. Warren filed, on August 22, 2000, revisions to its bid process and RFP. Among other things, the revisions reduce the evaluation period to 14 days, specify the process objective as obtaining the lowest cost supply consistent with that historically supplied by CMP, and add a provision stating that the Commission and the Public Advocate will review the evaluation of bids to confirm that the results are consistent with the approved process and the objective.

III. DECISION

We have reviewed the proposed bid process and draft RFP and find that they are reasonably designed to obtain the lowest cost power supply for the Somerset facility. Accordingly, we, hereby, approve the proposed process. Consistent with the approved

¹ These requirements of amended section 6 only apply to contract rates from March 1, 2001 through February 28, 2002.

process and our obligation to ensure that stranded costs are reasonably minimized, we will review the evaluation and selection process to determine whether the objective of obtaining the lowest cost supply consistent with historic service has been satisfied.

Dated at Augusta, Maine, this 5th day of September, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.